

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RYAN SAMSEL,

Petitioner,

Civil Action No. 24-cv-05026

-against-

(Kovner, J.)

COLETTE S. PETERS, Director of Federal Bureau of Prisons, WARDEN, Metropolitan Detention Center – Brooklyn, Federal Bureau of Prisons, RONALD L. DAVIS, Director U.S. Marshalls Service, THOMAS N. FAUST, Director Department of Corrections of the District of Columbia, and MERRICK GARLAND, Attorney General as Head of the U.S. Department of Justice,

Respondents.

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DECLARATION OF NICOLE T. LEWIS
LEGAL ASSISTANT
FEDERAL BUREAU OF PRISONS

I, Nicole T. Lewis, hereby make the following declaration pursuant to 28 U.S.C. § 1746:

1. I am employed by the U.S. Department of Justice, Federal Bureau of Prisons (“BOP”), as a Legal Assistant in the Legal Department of the Metropolitan Detention Center (“MDC”) located in Brooklyn, New York. I have access to various records maintained in the ordinary course of business at the MDC, including but not limited to SENTRY, the BOP’s computerized inmate management program, which contains, among other things, BOP’s files relating to related to Ryan Stephen Samsel, Inmate No. 28332-509 (“Petitioner”).

2. I submit this declaration in support of Respondents’ response to the above-captioned Petition for Writ of Habeas Corpus (“Petition”) based on my personal knowledge, information contained in SENTRY, and any information obtained from other federal agencies, as

discussed below. I am aware inmate Petitioner filed the Petition.

3. Petitioner is a pre-sentenced inmate who has been incarcerated most recently at MDC since February 27, 2024. A true and correct copy of the Inmate History is attached as ***Exhibit 1***.

4. Petitioner was arrested for federal assault and obstruction offenses in connection with the January 6, 2021, attack on the Capitol grounds. A true and accurate copy of the District of Columbia Criminal Complaint is attached as ***Exhibit 2***. On February 2, 2024, Petitioner was found guilty on eight of the thirteen offenses. A true and accurate copy of the Verdict Form is attached as ***Exhibit 3***.

5. The BOP has established a multi-tiered system, known as the Administrative Remedy Program, by which a federal inmate may seek review of an issue relating to any aspect of his or her confinement except claims for which other administrative procedures have been established (including tort claims, Inmate Accident Compensation claims, and Freedom of Information Act claims). *See* 28 C.F.R. §§ 542.10 to 542.19.

6. Prior to initiating the multi-tiered system, an inmate must first present his or her issue informally to staff. *See* 28 C.F.R. § 542.13. If informal resolution is unsuccessful, an inmate may initiate the formal administrative remedy process by submitting a Request for Administrative Remedy (“BP-9”) to the Warden of his or her facility within 20 calendar days following the date on which the basis for the Request occurred. *See* 28 C.F.R. § 542.14. The Warden has twenty days to respond, with an extension of another 20 days if necessary. *See* 28 C.F.R. § 542.18.

7. An inmate who is dissatisfied with the Warden’s response may submit an appeal to the Regional Director on the appropriate form (“BP-10”) within 20 calendar days of the date the Warden signed the response. *See* 28 C.F.R. § 542.15. The appeal must be accompanied by one

complete copy or duplicate original of the institution request and response. *See id.* The Regional Director has 30 days to respond, with an extension of another 30 days if necessary. *See* 28 C.F.R. § 542.18.

8. In the event the inmate is dissatisfied with the Regional Director's response, the inmate may proceed to the next and final level by filing a Central Office Administrative Remedy Appeal ("BP-11") with the BOP's Office of General Counsel within 30 calendar days of the date the Regional Director signed the response. *See* 28 C.F.R. § 542.15. The appeal must be accompanied by a complete copy or duplicate original of both the institution request and response and the regional appeal and response. *See id.* The BOP's Office of General Counsel has 40 days to respond to an appeal, with a 20-day extension if necessary. *See* 28 C.F.R. § 542.18.

9. If an inmate does not receive a response within the time allotted for reply, including extension, the inmate may consider the absence of a response to be a denial and proceed to the next level in the process. 28 C.F.R. § 542.18. No administrative remedy appeal is considered finally exhausted until it is considered by BOP's Central Office. 28 C.F.R. § 542.15(a).

10. One function of SENTRY is that it contains a complete history of administrative remedy filings made by federal inmates at any BOP facility. Administrative remedy submissions are identified first by a case number; then by an alphabetic designation showing whether the remedy was received by the local institution (denoted by a letter "F"), Regional Office (denoted by a letter "R"), or Office of General Counsel (denoted by the letter "A"); and then a number showing how many times a particular request had been received at that level. BOP does not keep copies of rejected submissions, but the submission is reflected in SENTRY.

11. I reviewed the SENTRY administrative remedy records pertaining to Petitioner. SENTRY indicates that on September 13, 2022, the BOP received Petitioner's BP-9 regarding

“MEDICAL CAR – DELAY/ACCESS TO IMPROPER/INADEQUATE to which the Warden at Federal Detention Center Philadelphia responded on September 15, 2022. SENTRY indicates that Petitioner did not follow up on the Warden’s response by filing a BP-10 or otherwise continuing the Administrative Remedy Program process regarding the allegations raised in the Petition. A true and accurate copy of the Petitioner’s SENTRY administrative remedy record is attached hereto as *Exhibit 4*.

I declare the foregoing is true and correct to the best of my knowledge and belief and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this day on August 19, 2024.



Nicole T. Lewis

EXHIBIT 1

BRORX 531.01 *
PAGE 001 *INMATE HISTORY
QUARTERS* 08-02-2024
* 12:54:56REG NO.: 28332-509 NAME.: SAMSEL, RYAN STEPHEN
CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
BRO	K05-815L	HOUSE K/RANGE 05/BED 815L	07-18-2024 1715	CURRENT
BRO	K05-823L	HOUSE K/RANGE 05/BED 823L	07-07-2024 1232	07-18-2024 1715
BRO	K05-815L	HOUSE K/RANGE 05/BED 815L	06-20-2024 1649	07-07-2024 1232
BRO	K05-815L	HOUSE K/RANGE 05/BED 815L	05-16-2024 1411	06-20-2024 1648
BRO	K05-816L	HOUSE K/RANGE 05/BED 816L	05-13-2024 1450	05-16-2024 1411
BRO	J01-706U	HOUSE J/RANGE 01/BED 706U	05-13-2024 1343	05-13-2024 1450
BRO	Z03-110LAD	HOUSE Z/RANGE 03/BED 110L AD	05-13-2024 1114	05-13-2024 1343
BRO	Z03-114LAD	HOUSE Z/RANGE 03/BED 114L AD	04-25-2024 1959	05-13-2024 1114
BRO	J02-707L	HOUSE J/RANGE 02/BED 707L	03-27-2024 1022	04-25-2024 1959
BRO	J01-727U	HOUSE J/RANGE 01/BED 727U	03-05-2024 1449	03-27-2024 1022
BRO	G01-421U	HOUSE G/RANGE 01/BED 421U	03-05-2024 1105	03-05-2024 1449
BRO	G01-404U	HOUSE G/RANGE 01/BED 404U	02-27-2024 1235	03-05-2024 1105
BRO	R02-001L	HOUSE R/RANGE 02/BED 001L	02-27-2024 1050	02-27-2024 1235
LEW	A03-304L	HOUSE A/RANGE 03/BED 304L	02-20-2024 1843	02-27-2024 0534
LEW	R01-001L	HOUSE R/RANGE 01/BED 001L	02-20-2024 1500	02-20-2024 1843
BRO	H04-528L	HOUSE H/RANGE 04/BED 528L	09-20-2023 1938	09-21-2023 0843
BRO	H03-503U	HOUSE H/RANGE 03/BED 503U	09-20-2023 1930	09-20-2023 1938
BRO	Z04-121UAD	HOUSE Z/RANGE 04/BED 121U AD	09-18-2023 1528	09-20-2023 1930
BRO	Z04-121LAD	HOUSE Z/RANGE 04/BED 121L AD	09-08-2023 0739	09-18-2023 1528
BRO	Z04-126UAD	HOUSE Z/RANGE 04/BED 126U AD	09-05-2023 1919	09-08-2023 0739
BRO	Z04-125UAD	HOUSE Z/RANGE 04/BED 125U AD	09-05-2023 1225	09-05-2023 1919
BRO	Z04-126UAD	HOUSE Z/RANGE 04/BED 126U AD	08-23-2023 1307	09-05-2023 1225
BRO	Z04-109UAD	HOUSE Z/RANGE 04/BED 109U AD	08-16-2023 1939	08-23-2023 1307
BRO	H01-511L	HOUSE H/RANGE 01/BED 511L	05-25-2023 1510	08-16-2023 1939
BRO	H02-515U	HOUSE H/RANGE 02/BED 515U	05-01-2023 1258	05-25-2023 1510
BRO	G01-416U	HOUSE G/RANGE 01/BED 416U	04-26-2023 0141	05-01-2023 1258
BRO	R02-001L	HOUSE R/RANGE 02/BED 001L	04-25-2023 2229	04-26-2023 0141
LEW	Z03-220UAD	HOUSE Z/RANGE 03/BED 220U AD	04-22-2023 0851	04-25-2023 1819
LEW	Z03-219UAD	HOUSE Z/RANGE 03/BED 219U AD	04-01-2023 0915	04-22-2023 0851
LEW	Z03-218UAD	HOUSE Z/RANGE 03/BED 218U AD	03-11-2023 0945	04-01-2023 0915
LEW	Z03-217UAD	HOUSE Z/RANGE 03/BED 217U AD	03-01-2023 1405	03-11-2023 0945
LEW	C02-221U	HOUSE C/RANGE 02/BED 221U	12-22-2022 1055	03-01-2023 1405
LEW	C02-221U	HOUSE C/RANGE 02/BED 221U	11-18-2022 1201	12-22-2022 0823
LEW	C02-221U	HOUSE C/RANGE 02/BED 221U	11-08-2022 2106	11-18-2022 0812
LEW	C02-213U	HOUSE C/RANGE 02/BED 213U	10-17-2022 1332	11-08-2022 2106
LEW	C02-218L	HOUSE C/RANGE 02/BED 218L	09-22-2022 0809	10-17-2022 1332
LEW	G02-221L	HOUSE G/RANGE 02/BED 221L	09-19-2022 1701	09-22-2022 0809
LEW	R01-001L	HOUSE R/RANGE 01/BED 001L	09-19-2022 1515	09-19-2022 1701
PHL	Z01-829UAD	HOUSE Z/RANGE 01/BED 829U AD	08-31-2022 1553	09-19-2022 0929
PHL	Z01-827UAD	HOUSE Z/RANGE 01/BED 827U AD	08-14-2022 1156	08-31-2022 1553
PHL	Z01-829UAD	HOUSE Z/RANGE 01/BED 829U AD	08-08-2022 1251	08-14-2022 1156

G0002 MORE PAGES TO FOLLOW . . .

BRORX 531.01 *
 PAGE 002 OF 002 *

INMATE HISTORY
 QUARTERS

* 08-02-2024
 * 12:54:56

REG NO.: 28332-509 NAME.: SAMSEL, RYAN STEPHEN
 CATEGORY: QTR FUNCTION: PRT FORMAT:

FCL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
PHL	Z01-829UAD HOUSE Z/RANGE 01/BED 829U AD	08-02-2022 1424	08-08-2022 0939
PHL	Z01-829UAD HOUSE Z/RANGE 01/BED 829U AD	07-20-2022 1006	08-02-2022 1157
PHL	Z01-828LAD HOUSE Z/RANGE 01/BED 828L AD	07-18-2022 1000	07-20-2022 1006
PHL	Z01-803UAD HOUSE Z/RANGE 01/BED 803U AD	07-02-2022 0759	07-18-2022 1000
PHL	Z01-804UAD HOUSE Z/RANGE 01/BED 804U AD	06-28-2022 1306	07-02-2022 0759
PHL	Z01-804UAD HOUSE Z/RANGE 01/BED 804U AD	06-28-2022 0956	06-28-2022 0958
PHL	Z01-804UAD HOUSE Z/RANGE 01/BED 804U AD	06-13-2022 0850	06-28-2022 0950
PHL	Z01-800LAD HOUSE Z/RANGE 01/BED 800L AD	06-13-2022 0841	06-13-2022 0850
PHL	Z01-803LAD HOUSE Z/RANGE 01/BED 803L AD	05-24-2022 1721	06-13-2022 0841
PHL	C01-329L HOUSE C/RANGE 01/BED 329L	05-23-2022 1932	05-24-2022 1721
PHL	R01-001L HOUSE R/RANGE 01/BED 001L	05-23-2022 1822	05-23-2022 1932
PHL	R01-001L HOUSE R/RANGE 01/BED 001L	05-23-2022 1811	05-23-2022 1820
LEW	C03-319U HOUSE C/RANGE 03/BED 319U	03-29-2022 1152	05-23-2022 0847
LEW	B01-122L HOUSE B/RANGE 01/BED 122L	03-19-2022 1118	03-29-2022 1152
LEW	B01-117L HOUSE B/RANGE 01/BED 117L	03-19-2022 1116	03-19-2022 1118
LEW	B01-122L HOUSE B/RANGE 01/BED 122L	03-14-2022 1726	03-19-2022 1116
LEW	R01-001L HOUSE R/RANGE 01/BED 001L	03-14-2022 1455	03-14-2022 1726
PHL	C02-350L HOUSE C/RANGE 02/BED 350L	03-03-2022 1507	03-14-2022 0741
PHL	C01-306L HOUSE C/RANGE 01/BED 306L	03-01-2022 1744	03-03-2022 1507
PHL	R01-001L HOUSE R/RANGE 01/BED 001L	03-01-2022 1247	03-01-2022 1744
PHL	C01-328L HOUSE C/RANGE 01/BED 328L	01-30-2021 1339	02-17-2021 0915
PHL	R01-001L HOUSE R/RANGE 01/BED 001L	01-30-2021 1243	01-30-2021 1339

G0000 TRANSACTION SUCCESSFULLY COMPLETED

EXHIBIT 2

UNITED STATES DISTRICT COURT

for the
District of ColumbiaUnited States of America
v.RYAN SAMSEL
DOB: [REDACTED]

Defendant(s)

Case: 1:21-mj-00188
Assigned to: Judge Faruqui, Zia M
Assign Date: 1/29/2021
Description: COMPLAINT W/ARREST WARRANT

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 111;	Forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with a federal agent while they are engaged in their official duties;
18 U.S.C. 231(a)(3);	Committed or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties;
18 U.S.C. § 1512(c) (2)	Obstructed, influenced, or impeded any official proceeding, or attempt to do so

This criminal complaint is based on these facts:

SEE ATTACHED STATEMENT OF OFFENSE

☒ Continued on the attached sheet.

Complainant's signature

Stewart Curcio, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 29th day of January 2021.

Date: 01/29/2021

2021.01.29

18:50:07 -05'00'

Judge's signature

U.S. Magistrate Judge Zia Faruqui

Printed name and title

City and state: Washington, D.C.

STATEMENT OF FACTS

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During the assault on the U.S. Capitol grounds, the defendant, RYAN STEPHEN SAMSEL, was seen running towards the U.S. Capitol Building. The defendant was seen running on the Pennsylvania Avenue Walkway, which is a common route for people walking to the U.S. Capitol Building.

BACKGROUND

Ryan Stephen Samsel (DOB [REDACTED]/1983)

Our affiant has obtained multiple reports of an assault on a United States Capitol Police Officer by RYAN STEPHEN SAMSEL (DOB [REDACTED]/1983). The assault occurred on the grounds of the U.S. Capitol Building, specifically on the Pennsylvania Avenue Walkway. The defendant was seen running towards the U.S. Capitol Building, and the officer was seen running away from the defendant. The defendant was seen running on the Pennsylvania Avenue Walkway, which is a common route for people walking to the U.S. Capitol Building.

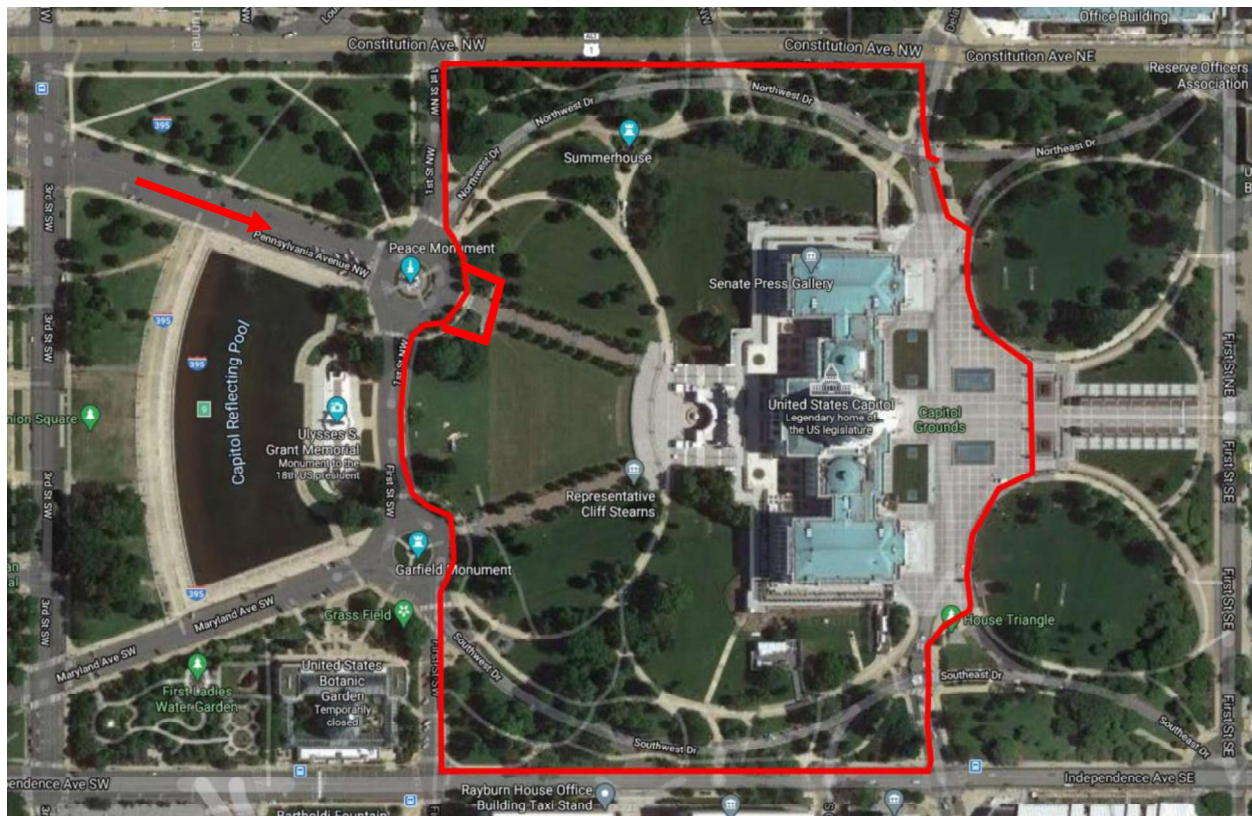


Figure 1. Aerial Imagery of U.S. Capitol Grounds.

The defendant was seen running on the Pennsylvania Avenue Walkway, which is a common route for people walking to the U.S. Capitol Building, commonly referred to as the "Pennsylvania Ave Walkway" by U.S. Capitol Police Officers. The defendant was seen running on the Pennsylvania Avenue Walkway, which is a common route for people walking to the U.S. Capitol Building.

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Figure 2. **SAMSEL** (boxed in red) Leading Crowd to Barricades Blocking Access to Pennsylvania Walkway.



Figure 3

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Figure 4. **SAMSEL** Confronting Uniformed U.S. Capitol Police Officers.

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Figure 5. **SAMSEL** Pushing & Pulling on Barricades

Figure 6. **SAMSEL** Removing Jacket



Figure 7



Figure 8. Turning Hat



Figure 9-10. Pushing & Pulling Barricades



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Figure 11. Officer O-1 on Stairs after Being Knocked Down



Figure 12. **SAMSEL** and Officer O-1

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Figure 13. **SAMSEL** Advancing



Figure 14. **SAMSEL** Confronting Police



Figure 15. **SAMSEL** pulling on Riot Shield

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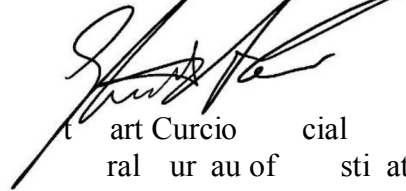
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ZIA FARUQUI
U.S. MAGISTRATE JUDGE

EXHIBIT 3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 21-cr-00537 (JMC)
)	
RYAN SAMSEL (1),)	
)	
Defendant.)	
)	

VERDICT FORM

Count 1: Civil Disorder

<input checked="" type="checkbox"/>	
Guilty	Not Guilty

Count 2: Assaulting Officer C.E. (Inflicting Bodily Injury or Deadly/Dangerous Weapon)

<input checked="" type="checkbox"/>	
Guilty	Not Guilty

If you have marked Guilty as to Count 2 above, proceed to Count 3. If not, you must consider the lesser offense:

Assaulting, Resisting or Impeding Officer C.E. (Physical Contact or Intent to Commit Another Felony)

Guilty	Not Guilty

Count 3: Assaulting Officer D.C. (Deadly/Dangerous Weapon)

	<input checked="" type="checkbox"/>
Guilty	Not Guilty

EXHIBIT 4

BRORX *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-31-2024
PAGE 001 OF 08:23:45
FUNCTION: L-P SCOPE: REG EQ 28332-509 OUTPUT FORMAT: FULL
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
DT STS: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT RDU
DT TDU: FROM ____ TO ____ DAYS BEFORE "OR" FROM ____ TO ____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: _ REMEDY LEVEL: _ _ RECEIPT: _ _ _ "OR" EXTENSION: _ _ _
RCV OFC : EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR.: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

G0002 MORE PAGES TO FOLLOW . . .

BRORX *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-31-2024
PAGE 002 OF * FULL SCREEN FORMAT * 08:23:45

REGNO: 28332-509 NAME: SAMSEL, RYAN
RSP OF...: BRO UNT/LOC/DST: 4 DETC M/W QTR.: K05-815L RCV OFC: PHL
REMEDY ID: 1133903-F1 SUB1: 26AS SUB2: 26BS DATE RCV: 09-13-2022
UNT RCV...: 5 SOUTH QTR RCV.: Z01-829UAD FACL RCV: PHL
UNT ORG...: 5 SOUTH QTR ORG.: Z01-829UAD FACL ORG: PHL
EVT FACL.: PHL ACC LEV: RESP DUE:
ABSTRACT.: MEDICAL CARE - DELAY/ACCESS TO IMPROPER/INADEQUATE
STATUS DT: 09-15-2022 STATUS CODE: REJ STATUS REASON: CON INF ONE
INCRPTNO.: RCT: EXT: DATE ENTD: 09-15-2022
REMARKS...: YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR
YOU MAY ONLY SUBMIT UP TO ONE LETTER-SIZE CON'T PAGE

REGNO: 28332-509 NAME: SAMSEL, RYAN
RSP OF...: BRO UNT/LOC/DST: 4 DETC M/W QTR.: K05-815L RCV OFC: NER
REMEDY ID: 1151380-R1 SUB1: 20DM SUB2: DATE RCV: 01-03-2023
UNT RCV...: C-BLOCK QTR RCV.: C02-221U FACL RCV: LEW
UNT ORG...: C-BLOCK QTR ORG.: C02-221U FACL ORG: LEW
EVT FACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 02-14-2023 STATUS CODE: REJ STATUS REASON: INS
INCRPTNO.: RCT: EXT: DATE ENTD: 02-14-2023
REMARKS...:

G0002 MORE PAGES TO FOLLOW . . .

BRORX *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 07-31-2024
PAGE 003 OF 003 * FULL SCREEN FORMAT * 08:23:45

REGNO: 28332-509 NAME: SAMSEL, RYAN
RSP OF...: BRO UNT/LOC/DST: 4 DETC M/W QTR.: K05-815L RCV OFC: BOP
REMEDY ID: 1153818-A1 SUB1: 20BM SUB2: DATE RCV: 02-27-2023
UNT RCV...:C-BLOCK QTR RCV.: C02-221U FACL RCV: LEW
UNT ORG...:C-BLOCK QTR ORG.: C02-221U FACL ORG: LEW
EVT FACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL 12/7/22; CODE 297
STATUS DT: 03-09-2023 STATUS CODE: REJ STATUS REASON: WRL RAP
INCRPTNO.: 3703430 RCT: EXT: DATE ENTD: 03-09-2023
REMARKS..:

REGNO: 28332-509 NAME: SAMSEL, RYAN
RSP OF...: BRO UNT/LOC/DST: 4 DETC M/W QTR.: K05-815L RCV OFC: NER
REMEDY ID: 1151380-R2 SUB1: 20DM SUB2: DATE RCV: 03-14-2023
UNT RCV...:C-BLOCK QTR RCV.: Z03-218UAD FACL RCV: LEW
UNT ORG...:C-BLOCK QTR ORG.: C02-221U FACL ORG: LEW
EVT FACL.: LEW ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 04-10-2023 STATUS CODE: REJ STATUS REASON: LEG OTH
INCRPTNO.: RCT: EXT: DATE ENTD: 04-10-2023
REMARKS... PAGE 3 AND 4 ARE NOT LEGIBLE.
YOU MUST NOT WRITE IN BOX B.

G0000 4 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED